

**ATTACHMENT****SFGate.com** [www.sfgate.com](http://www.sfgate.com) [Return to regular view](#)**Water board rejects restricting rate of North Coast timber cuts**

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(01-26) 12:15 PST SACRAMENTO (AP) --

North Coast water regulators have rejected restricting Pacific Lumber Co.'s intense rate of logging five sensitive watersheds, logging that the regulators' staff and an independent scientific panel said is causing erosion that endangers fish and area residents.

But state and company officials said the staff and panel conclusions fail to take into account efforts Pacific Lumber already is taking to stop erosion.

Residents and environmental groups are upset the North Coast Regional Water Quality Control Board last week opted against the latest recommendations they said could have helped resolve a problem that first surfaced in 1994, when Freshwater Creek overflowed its banks and stranded residents near the Humboldt County town of Freshwater.

The board's staff, in a 1997 report, formally blamed Pacific Lumber's intense logging for triggering mudslides and erosion while frequently violating the state's Forest Practices Act.

After a series of administrative delays, the board appointed an independent scientific panel in August that last month suggested the board slow the company's harvest rate, an option board members rejected after two days of hearings last week.

The politically connected company has argued, in letters circulated as high as Gov. Gray Davis's cabinet secretary, that the state is obligated to let the company keep logging at a high rate to insure its "economic viability" under the 1996 Headwaters Agreement that protected a stand of old-growth redwoods.

Still, the company is taking protection measures that the scientific panel failed to take into account in its report, said Ross Johnson, a deputy director of the state Board of Forestry that regulates timber cuts. Johnson agreed with just one of the 16 resulting staff recommendations: that the board cooperate more with state regulators he said already require steps to minimize harmful erosion.

"The process that was used by the panel was seriously flawed," said company spokesman Jim Branham.

Branham said the scientists didn't recognize that the company has established vegetation buffers around streams, isn't logging steep erosion-prone hills, and is taking measures to prevent erosion along logging roads.

Cynthia Elkins of the Environmental Protection Information Center countered that the panel confirmed scientifically what logic would suggest: "If you clear-cut a large area, it's just inevitable you're going to have a lot of erosion."

She and Ken Miller, a director of the Humboldt Watershed Council made up of area residents, criticized the board for rejecting a key finding of a panel the board itself commissioned.

"They did this wonderful job, and they were kicked in the face," said Miller.

Some of the panel's findings may make it into additional studies requested by the regional board.

Elkins said the groups would look at their legal options and planned to keep the matter in the spotlight.

"We want something done now," she said. "These watersheds simply can't stand any more delay."

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On the Net:

[www.swrcb.ca.gov/rwqcb1/](http://www.swrcb.ca.gov/rwqcb1/)

[www.palco.com/watershedhome.htm](http://www.palco.com/watershedhome.htm)

[www.humboldt1.com/7/8clarkstr/salmon.htm](http://www.humboldt1.com/7/8clarkstr/salmon.htm)

<http://salmon-forever.org/contact.htm>

[www.ecologycenter.org/terrain/2001spring/sediment.html](http://www.ecologycenter.org/terrain/2001spring/sediment.html)

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# Eureka Times-Standard

## Water board moves little on Pacific Lumber

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John Driscoll

The Times-Standard

After another marathon meeting of the regional water quality board it appears the fight between some watershed residents and environmentalists and the Pacific Lumber Co. is as murky as ever.

In a process many believe is mired in minutiae, the North Coast Regional Water Quality Control Board chose to issue some permits for PL logging, but refused to waive permit requirements in other cases. It also voted to petition the state Board of Forestry to put the watershed on a list of sensitive areas, a move some environmentalists argued is meaningless.

At its meeting in Santa Rosa Thursday and Friday, the board also asked PL to give more information to a science panel the board convened earlier to round out a December report. The panel initially recommended the board consider stricter limits on logging in the watersheds. But Pacific Lumber was adamant that the initial report didn't take into account how its special logging guidelines stem siltation.

"No matter what we do there's nothing wrong with having more information," said board member John Corbett.

But environmentalists, who hailed the report when it was released, said the request was just one more delay, and another example of inaction from the board, which began to strongly address the issue in 2000.

Sediment is at the core of the debate. Residents in Freshwater and Elk River have complained that the streams flood in even small rains because the channel has filled in with dirt, and they blame it on PL's recent logging. PL has disputed that, and its own analysis of Freshwater found the streams are choked with sediment from old logging.

The face-off has created several dueling scientist scenarios, as either side backs up contentions with various studies. The science panel report aimed to cut through some of that.

The panel in its December report found that more information is needed on the watersheds, strict logging rates need to be established and efforts to check erosion need to be taken soon. But PL said that the panel was pressed for time and failed to examine how the company's road work and logging plan layouts prevent sediment from entering the streams. The company said the panel focuses on the effects of cutting trees on sedimentation, but ignores more significant sources of sediment, like roads.

PL came away from the hearing with permits for several logging plans in Elk River. The company had been cutting trees in the area and in Freshwater without a permit, contending cutting trees doesn't generate sediment.

"In some instances there has been some tree-felling that has occurred and we're comfortable and confident that it hasn't resulted in any impact," PL spokesman Jim Branham said.

Some water board members expressed concern that PL was felling trees without a permit or a waiver -- because under the law even the threat of discharging sediment is prohibited.

"The issue was that Pacific Lumber had plans approved by CDF but we hadn't granted them a waiver, nor had we asked for reports of waste discharge and they were falling timber," said board member Dina Moore.

One permit was issued for logging in Elk River tributary Bridge Creek, which water board staff showed was severely damaged and recommended be left alone.

That PL was falling trees without permits or waivers prompted the Environmental Protection Information Center to petition the board to seek fines and a possible injunction on PL logging with the state attorney general.

"It's really a stunning display of agency malfeasance," said Cynthia Elkins of the Garberville group.

Several harvest plans in Freshwater are in limbo since the board declined to grant waivers for winter operations there. Typically, yarding and hauling logs are what generates sediment, so getting logs to PL mills in short order could be a problem if the water board does not reverse its decision at its next meeting in Eureka in February.

Board member Corbett summarized the years of frustration that have gone along with the issue.

"My guess is neither side is very happy," Corbett said. "Which is typical in this and will always be the case."

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<http://www.latimes.com/news/local/la-me-logging28jan28,1,6229342.story>

THE STATE

## State May Seek Injunction to Halt Some Pacific Lumber Co. Logging

By Steve Hymon  
Times Staff Writer

January 28 2003

A state water panel may seek a court order to stop one of California's largest and most controversial timber firms from cutting down more trees on part of its land, officials said Monday.

The dispute is the latest skirmish in a years-long battle over logging between state regulators and environmentalists on one side and the Pacific Lumber Co., which owns more than 200,000 acres of timber land in Humboldt County, on the other.

In the current dispute, the issue is whether logging causes erosion that degrades water quality in streams flowing from the company's property. Environmentalists have alleged that more than a dozen ancient redwoods in Humboldt Redwoods State Park were killed by erosion last month and swept into the Eel River as a result of poor logging practices upstream on company lands.

The looming court battle stems from another unresolved dispute. In December, the North Coast Regional Water Quality Control Board gave Pacific Lumber permission to log in four of seven areas targeted for harvest around Freshwater Creek.

But since Jan. 1, according to the water board, the company has defied the board's orders and clear-cut trees in two of three areas in the Freshwater Creek watershed that remained closed.

The water board contends that the company needed a waste discharge permit or waiver from that permit before cutting in the closed areas. The California Clean Water Act requires such a permit because logging can cause severe erosion that chokes streams.

The reason for seeking a court order "would be to maintain the status quo until we get these issues resolved," said Sheryl Freeman, an attorney who represents the water board. Such an order would tell the company, she said, " 'Don't do the damage until you have permission to do so.' "

A Pacific Lumber spokesman, Jim Branham, confirmed that trees had been cut in two of the closed areas. But he said that simply cutting the trees wouldn't necessarily result in erosion in Freshwater Creek.

"We're not prohibited from logging operations," Branham said. "We're just not supposed to discharge

<http://www.latimes.com/templates/misc/printstory.jsp?slug=la%2Dme%2Dlogging28jan28...> 2/7/2003

waste, and we're comfortable that felling a tree doesn't cause a discharge."

The dispute stems from the deal that saved the Headwaters Forest of ancient redwoods in 1999. The first part of the deal gave Pacific Lumber \$480 million to save about 7,400 acres of the trees.

The second part received much less attention.

In 1999, Pacific Lumber and several state and federal wildlife agencies -- not including the water board -- signed a habitat conservation plan that gave the firm permission to kill or harm animals in some endangered species such as salmon or imperiled birds while logging. In exchange, Pacific Lumber had to stop logging on more than half its land.

However, the plan put few restrictions on what the company could do on the land not protected. The water board has said that, in essence, gives Pacific Lumber permission to keep cutting at a rate that will increase erosion problems in five area streams.

Environmentalists are urging the water board to stop the logging above Freshwater Creek, saying that the panel has been too reluctant to take on Pacific Lumber, which is one of Humboldt County's largest employers.

"We gave them a lot of money and preserved some ancient redwoods," said Ken Miller, a board member of the Humboldt Watershed Council, an environmental group. "The downside of that is that it amounted to a sacrifice of all the other watersheds on the company's land."

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